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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Scott E Hall

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

CHIN, RANDALL E

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

12/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,700	Applicant(s) HALL, SCOTT E	
	Examiner Randall Chin	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010 and 09 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Upon further consideration and review, the finality of the Office Action mailed 27 May 2010 is hereby withdrawn and prosecution has been reopened. Action upon claims 1-16 now follows.

Claim Objections

2. Claims 1 and 10 are objected to because of the following informalities:

Claim 1, line 11, "the appliance" lacks proper antecedent basis.

Claim 10, line 10, it appears "or" should be changed to --and-- (compare with claim 1, line 7).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by McDougall 5,617,601 (hereinafter McDougall), as evidenced by Gamper et al. 6,248,059 (hereinafter Gamper).

At the outset, it should be noted that the preamble of claim 1 merely recites “A system *for joining an appliance body having a driving assembly therein to a driven member assembly which includes a workpiece element having a torsional axis of movement*” (emphasis added) and that the bolded recitations are **not** being positively set forth in claims 1-9 (since claims 2-9 depend or ultimately depend on claim 1). Claim 1 is merely **only** claiming “[A] system for joining”, which McDougall clearly discloses, and the other elements such as the “driving assembly”, “the driven member assembly”, “the appliance body”, “the workpiece element”, etc. **are all not being positively recited in claims 1-9**. Thus, no significant patentable weight is attributed to these elements given the present preamble claim language used. If it was intended to positively claim these elements such that they would be accorded full patentable weight, then the preamble of claim 1 would have been written differently. Furthermore, if Applicant intended to positively claim these elements, then the body of the claim is inconsistent with the preamble language of claim 1 rendering the scope of the claim (and claims 2-9 as well) vague and indefinite.

As for claim 1, the patent to McDougall discloses in Figs. 9 and 10 a system for joining an appliance body having a driving assembly therein to a driven member assembly which includes a workpiece element having a torsional axis of movement, comprising a plurality of joining assemblies removably attaching the driven member assembly to the appliance body, wherein the joining assemblies are each separate from the torsional axis of the workpiece element, wherein the joining assemblies each include a mating member 513 on one of a) the appliance body and b) the driven member

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assembly at locking pin members and an associated receiving element 515, 517 on the other thereof, wherein the mating members 513 and the receiving elements 515, 517 have such a configuration, respectively, and mate in such a manner that there is “**substantially** no lost motion” (“substantially” here renders this quoted phrase even more broad) for the workpiece element during operation of the appliance and such that the driven member assembly is readily removable from the appliance body “upon application of an axial force” (notwithstanding that fact that there is also a turning force involved here as well), and wherein the mating of the mating members 513 and the receiving members 515, 517 is an “interference fit” in (in the sense that there is still **frictional** contact between the mating members and the receiving members; col. 4, lines 55-67). It is noted that McDougall’s joining assemblies 513 and 515, 517 basically define a push-and-turn type connection or bayonet type arrangement, however, such a push-and-turn type connection or bayonet type arrangement is known to also be an interference fit, as evidenced by Gamper, as shown at joining element 68 and at joining end 26 (see Figs. 2 and 3, for example, and see col. 11, lines 44-49).

Also, the phrase “such that the driven member assembly is **readily removable** from the appliance body” is functional and deemed merely relative. Further, no **adequate or specific structure** has been set forth in claim 1 to set forth any definite standard as to whether the broad recitation “**substantially** no lost motion” is met or not met. Note again, the phrase “*substantially* no lost motion” is that much broader. There has been no **adequate or specific structure** (i.e., for the joining assemblies) recited in

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claim 1 to carry out the alleged intended function of there being “substantially no lost motion” for the workpiece element.

As for claim 2, the configuration of the mating members and receiving elements is such that compression forces sufficient to maintain contact therebetween are deemed always present during torque action of a drive shaft on which the workpiece is mounted.

As for claim 3, there are three spaced joining assemblies arranged “around the periphery of the interface” (a broad phrase) between the appliance body and the driven member assembly if joining assembly 512, 518 is included (Fig. 10).

As for claim 4, the mating member of each joining assembly has a non-circular cross-section (at least in side view in Fig. 10) and the associated receiving element has a similar non-circular cross-section (also in side view in Fig. 10), such that the receiving element and the mating member are capable of mating together.

As for claim 5, the appliance body and the driven member assembly, respectively, include a handle portion and a head portion “of an oral care appliance” (not positively recited nor is there any structure positively recited to set forth these recited elements).

As for claim 6 reciting that the oral care appliance is a power toothbrush, as stated above, claim 1 is merely reciting “[A] system for joining...” and does not positively recite the oral care appliance.

As for claim 7, there are registration elements at 510, 511 on the appliance body which mate with the driven member assembly at 516, 518, the registration elements producing a proper orientation between the appliance body and the driven member

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assembly as the appliance body is joined to the driven member assembly (Fig. 10; col. 5, lines 3-16).

As for claim 8, the “mating member” (a broad phrase) extends from the appliance body and the receiving element is in the driven member assembly (Fig. 10).

As for claim 9, the mating members also comprise spaced blade elements in the appliance body at grooves/shoulders 510, 511 and the receiving elements comprise spring assemblies at legs 516 which clamp onto the blade elements with a compression force (col. 5, lines 17-25).

As for claim 10, the patent to McDougall discloses in Figs. 9 and 10 an oral care appliance 502, comprising an appliance body 506 having a driving assembly therein, a driven member assembly 508 which includes a workpiece element having a torsional axis of movement and wherein the workpiece element includes a brushhead 100 (Fig. 9A), and a coupling structure (Figs. 9B and 10) for joining the appliance body 506 to the driven member assembly 508, the coupling structure including a plurality of joining assemblies removably attaching the driven member assembly 508 to the appliance body 506, wherein the joining assemblies are each separate from the torsional axis of the workpiece element, wherein each joining assembly includes a mating member 513 from one of a) the appliance body or b) the driven member assembly and an associated receiving element 515, 517 in the other thereof, receiving said mating member, wherein the mating members and the receiving elements have such a configuration, respectively, and mate in such a manner that there is “**substantially** no lost motion” (“substantially” here renders the phrase even more broad) for the workpiece element

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during operation of the appliance, and such that the driven member assembly is readily removable from the appliance body "upon application of an axial force" (notwithstanding the fact that there is also a turning force involved here as well), and wherein the mating of the mating members 513 and the receiving elements 515, 517 is a push-fit or "interference fit" (in the sense that there is still **frictional** contact between the mating members and the receiving members; col. 4, lines 55-67). It is noted that McDougall's joining assemblies 513 and 515, 517 basically define a push-and-turn type connection or bayonet type arrangement, however, such a push-and-turn type connection or bayonet type arrangement is known to also be an interference fit, as evidenced by Gamper, as shown at joining element 68 and at joining end 26 (see Figs. 2 and 3, for example, and see col. 11, lines 44-49).

As for claim 11, there are three spaced joining assemblies arranged "around the periphery of the interface" (a broads phrase) between the appliance body and the driven member assembly if joining assembly 512, 518 is included (Fig. 10).

As for claim 12, the mating member 513 of each joining assembly has a non-circular cross-section and the associated receiving element 515, 517 has a similar non-circular cross-section, such that the receiving element and the mating member are capable of mating together (Fig. 10).

As for claim 13, the mating member 513 extends from the appliance body and the receiving element 515, 517 is in the driven member assembly.

As for claim 14, the mating members also include spaced blade elements in the appliance body at grooves/shoulders 510, 511 and the receiving elements comprise

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spring assemblies defined by legs 516 which clamp onto the blade elements with a compressive force (col. 5, lines 17-25).

As for claim 15, McDougall teaches in Figs. 9 and 10 a brushhead-handle assembly of a power toothbrush in which a brushhead is joinable to and removable from a handle portion of the toothbrush by a plurality of joining assemblies, the joining assemblies being separate from a torsional axis of movement of a brushhead workpiece portion 508 of the brushhead assembly 100, comprising a brushhead assembly which includes a brushhead workpiece element, wherein the brushhead assembly includes a plurality of joining members 515, 517 which mate with associated second joining members in the handle portion to form joining assemblies, wherein the first joining members 515 have such a configuration, relative to the configuration of the associated second joining members and mate therewith in such a manner that there is “substantially no lost motion” (“substantially” here renders the phrase even more broad) of the workpiece element during operation of the toothbrush and such that the brushhead assembly is readily removable from the handle portion of the toothbrush “upon application of an axial force” (notwithstanding the fact that there is also a turning force involved here as well), and wherein the mating of the mating members 513 and the receiving elements 515, 517 is a push-fit or “interference fit” (in the sense that there is still **frictional** contact between the mating members and the receiving members; col. 4, lines 55-67). It is noted that McDougall’s joining assemblies 513 and 515, 517 basically define a push-and-turn type connection or bayonet type arrangement, however, such a push-and-turn type connection or bayonet type arrangement is known

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to also be an interference fit, as evidenced by Gamper, as shown at joining element 68 and at joining end 26 (see Figs. 2 and 3, for example, and see col. 11, lines 44-49).

Thus, McDougall meets all of the **structural** limitations of claims 10 and 15. Applicant should note that the phrases reciting "...in such a manner that there is substantially no lost motion for the workpiece element during operation of the appliance, and such that the driven member assembly is readily removable from the appliance body upon application of an axial force" is entirely **functional** in form and still deemed met by McDougall. With such broad phrases such as "**substantially** no lost motion" and "**readily** removable from the appliance body", such broad phrases do not define over McDougall. Moreover, no **adequate or specific structure** has been set forth in claims 10 or 15 to define any standard as to whether the broad phrase "substantially no lost motion" is met or not met. There has been no **adequate or specific structure** (e.g., for the joining assemblies) recited in claims 10 or 15 to carry out the alleged intended function of there being "substantially no lost motion" for the workpiece element.

As for claim 16, in McDougall, the configuration of the first joining member and the second joining members are deemed such that compression forces sufficient to maintain contact therebetween are deemed always present during torque action of "a drive shaft" (not positively recited) on which the workpiece portion is mounted.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. 2005/0050658 (hereinafter Chan).

At the outset, it should be noted that the preamble of claim 1 merely recites “A system *for joining an appliance body having a driving assembly therein to a driven member assembly which includes a workpiece element having a torsional axis of movement*” (emphasis added) and that the bolded recitations are **not** being positively set forth in claims 1-9 (since claims 2-9 depend or ultimately depend on claim 1). Claim 1 is merely **only** claiming “[A] system for joining”, which Chan clearly discloses, and the other elements such as the “driving assembly”, “the driven member assembly”, “the appliance body”, “the workpiece element”, etc. **are all not being positively recited in claims 1-9**. Thus, no significant patentable weight is attributed to these elements given the present preamble claim language used. If it was intended to positively claim these elements such that they would be accorded full patentable weight, then the preamble of claim 1 would have been written differently. Furthermore, if Applicant intended to positively claim these elements, then the body of the claim is inconsistent with the preamble language of claim 1 rendering the scope of the claim (and claims 2-9 as well) vague and indefinite.

As for claim 1, Chan discloses in the embodiment of Figs. 11-13, for example, a system for joining an appliance body having a driving assembly therein to a driven member assembly which includes a workpiece element having a torsional axis of

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movement, comprising a plurality of joining assemblies removably attaching the driven member assembly to the appliance body, wherein the joining assemblies are each separate from the torsional axis of the workpiece element (i.e., the torsional axis of moving bristle holder 1020 in Fig. 13), wherein the joining assemblies each include a mating member 1036 on one of a) the appliance body and b) the driven member assembly at locking pin members and an associated receiving element 1042 on the other thereof, wherein the mating members 1036 and the receiving elements 1042 have such a configuration, respectively, and mate in such a manner that there is **“substantially no lost motion”** (“substantially” here renders this quoted phrase even more broad) for the workpiece element during operation of the appliance and such that the driven member assembly is readily removable from the appliance body “upon application of an axial force” (notwithstanding that fact that there is also a turning force involved here as well), and wherein the mating of the mating members 1036 and the receiving members 1042 is deemed an “interference fit” in (in the sense that there is still **frictional** contact between the mating members 1036 and the receiving members 1042; paragraphs [0082] and [0083]). Even assuming arguendo that the mating of the mating members 1036 and the receiving members 1042 of the embodiment of Figs. 11-13 is not considered an “interference fit”, it should be noted that Chan further teaches that numerous other well known engagement configurations including a friction fit or interference fit arrangement could well be used in the toothbrush (i.e., an appliance) with a removable head and handle (paragraph [0051]). Thus, given this explicit teaching by Chan, it would have been obvious to one of ordinary skill in the art to have simply

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substituted an interference fit mating arrangement for the mating arrangement as shown in the embodiment of Figs. 11-13 since both mating arrangements are merely mechanically well known equivalent techniques for mating or joining a removable head and handle of an appliance and which also facilitates quick and easy attachment and detachment thereof.

Also, the phrase “such that the driven member assembly is **readily removable** from the appliance body” is functional and deemed merely relative. Further, no **adequate or specific structure** has been set forth in claim 1 to set forth any definite standard as to whether the broad recitation “**substantially** no lost motion” is met or not met. Note again, the phrase “*substantially* no lost motion” is that much broader. There has been no **adequate or specific structure** (i.e., for the joining assemblies) recited in claim 1 to carry out the alleged intended function of there being “substantially no lost motion” for the workpiece element.

As for claim 2, the configuration of the mating members and receiving elements is such that compression forces sufficient to maintain contact therebetween are deemed always present during torque action of a drive shaft on which the workpiece is mounted.

As for claim 3 reciting that there are three spaced joining assemblies located around the periphery of the interface between the appliance body and the driven member assembly, it would have been obvious to one of ordinary skill in the art to have provided three such joining assemblies since such modification is deemed a mere multiplication of a known joining assembly for providing a more secure connection between an appliance body and driven member assembly.

As for claim 4, the mating member 1036 (i.e., a pin or projection as recited in paragraph [0082]) of each joining assembly would have a non-circular cross-section (at least in long view) and the associated receiving element 1042 would have a similar non-circular cross-section, such that the receiving element and the mating member are capable of mating together.

As for claim 5, the appliance body and the driven member assembly, respectively, include a handle portion and a head portion “of an oral care appliance” (not positively recited nor is there any structure positively recited to set forth these recited elements.

As for claim 6 reciting that the oral care appliance is a power toothbrush, as stated above, claim 1 is merely reciting “[A] system for joining...” and does not positively recite the oral care appliance.

As for claim 7, there are also “registration elements” (a broad phrase) at electrical contacts 1052 on the appliance body which mate with the driven member assembly at a second set of electrical contacts 1054, the registration elements producing a proper orientation between the appliance body and the driven member assembly as the appliance body is joined to the driven member assembly (paragraph [0084]).

As for claim 8, the “mating member” (a broad phrase) could be 1042 which extends from the appliance body and the “receiving element” (a broad phrase) could be 1036 in the driven member assembly (Fig. 12).

As for claim 9, the mating members also comprise spaced blade elements in the appliance body and the receiving elements comprise spring assemblies which clamp

onto the blade elements with a compression force since electrical spring contacts could be part of the joining assemblies themselves (paragraph [0084]).

As for claim 10, the patent to Chan discloses in Figs. 11-13 an oral care appliance 1000, comprising an appliance body 1012 having a driving assembly therein, a driven member assembly 1016 which includes a workpiece element having a torsional axis of movement and wherein the workpiece element includes a brushhead 1020 (Fig. 13), and a coupling structure (Fig. 12) for joining the appliance body to the driven member assembly, the coupling structure including a plurality of joining assemblies removably attaching the driven member assembly 1016 to the appliance body 1012, wherein the joining assemblies are each separate from the torsional axis of the workpiece element, wherein each joining assembly includes a mating member 1036 from one of a) the appliance body or b) the driven member assembly and an associated receiving element 1042 in the other thereof, receiving said mating member, wherein the mating members and the receiving elements have such a configuration, respectively, and mate in such a manner that there is “**substantially** no lost motion” (“substantially” here renders the phrase even more broad) for the workpiece element during operation of the appliance, and such that the driven member assembly is readily removable from the appliance body "upon application of an axial force" (notwithstanding the fact that there is also a turning force involved here as well), and wherein the mating of the mating members and the receiving elements is a push-fit or “interference fit” (in the sense that there is still **frictional** contact between the mating members 1036 and the receiving members 1042; paragraphs [0082] and [0083]). Even assuming arguendo that the

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mating of the mating members 1036 and the receiving members 1042 of the embodiment of Figs. 11-13 is not considered an “interference fit”, it should be noted that Chan further teaches that numerous other well known engagement configurations including a friction fit or interference fit arrangement could well be used in the toothbrush (i.e., an appliance) with a removable head and handle (paragraph [0051]). Thus, given this explicit teaching by Chan, it would have been obvious to one of ordinary skill in the art to have simply substituted an interference fit mating arrangement for the mating arrangement as shown in the embodiment of Figs. 11-13 since both mating arrangements are merely well known mechanically equivalent techniques for mating or joining a removable head and handle of an appliance and which also facilitates quick and easy attachment and detachment thereof.

As for claim 11 reciting that there are three spaced joining assemblies located around the periphery of the interface between the appliance body and the driven member assembly, it would have been obvious to one of ordinary skill in the art to have provided three such joining assemblies since such modification is deemed a mere multiplication of a known joining assembly for providing a more secure connection between an appliance body and driven member assembly.

As for claim 12, the mating member 1036 (i.e., a pin or projection as recited in paragraph [0082]) of each joining assembly would have a non-circular cross-section (at least in long view) and the associated receiving element 1042 would have a similar non-circular cross-section, such that the receiving element and the mating member are capable of mating together.

As for claim 13, the “mating member” (a broad phrase) could be 1042 which extends from the appliance body and the “receiving element” (a broad phrase) could be 1036 in the driven member assembly (Fig. 12).

As for claim 14, the mating members also comprise spaced blade elements in the appliance body and the receiving elements comprise spring assemblies which clamp onto the blade elements with a compression force since electrical spring contacts could be part of the joining assemblies themselves (paragraph [0084]).

As for claim 15, Chan teaches in the embodiment of Figs. 11-13 a brushhead-handle assembly of a power toothbrush in which a brushhead is joinable to and removable from a handle portion of the toothbrush by a plurality of joining assemblies, the joining assemblies being separate from a torsional axis of movement of a brushhead workpiece portion 1020 of the brushhead assembly, comprising a brushhead assembly which includes a brushhead workpiece element, wherein the brushhead assembly includes a plurality of joining members 1036 which mate with associated second joining members 1042 in the handle portion to form joining assemblies, wherein the first joining members 1036 have such a configuration, relative to the configuration of the associated second joining members 1042 and mate therewith in such a manner that there is “substantially no lost motion” (“substantially” here renders the phrase even more broad) of the workpiece element during operation of the toothbrush and such that the brushhead assembly is readily removable from the handle portion of the toothbrush “upon application of an axial force” (notwithstanding the fact that there is also a turning force involved here as well), and wherein the mating of the mating members and the

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receiving elements is a push-fit or "interference fit" (in the sense that there is still **frictional** contact between the mating members 1036 and the receiving members 1042; paragraphs [0082] and [0083]). Even assuming arguendo that the mating of the mating members 1036 and the receiving members 1042 of the embodiment of Figs. 11-13 is not considered an "interference fit", it should be noted that Chan further teaches that numerous other well known engagement configurations including a friction fit or interference fit arrangement could well be used in the toothbrush (i.e., an appliance) with a removable head and handle (paragraph [0051]). Thus, given this explicit teaching by Chan, it would have been obvious to one of ordinary skill in the art to have simply substituted an interference fit mating arrangement for the mating arrangement as shown in the embodiment of Figs. 11-13 since both mating arrangements are merely well known mechanically equivalent techniques for mating or joining a removable head and handle of an appliance and which also facilitates quick and easy attachment and detachment thereof.

Thus, Chan meets all of the **structural** limitations of claims 10 and 15. Applicant should note that the phrases reciting "...in such a manner that there is substantially no lost motion for the workpiece element during operation of the appliance, and such that the driven member assembly is readily removable from the appliance body upon application of an axial force" is entirely **functional** in form and still deemed met by Chan. With such broad phrases such as "**substantially** no lost motion" and "**readily** removable from the appliance body", such broad phrases do not define over Chan. Moreover, no **adequate or specific structure** has been set forth in claims 10 or 15 to

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define any standard as to whether the broad phrase “substantially no lost motion” is met or not met. There has been no **adequate or specific structure** (e.g., for the joining assemblies) recited in claims 10 or 15 to carry out the alleged intended function of there being “substantially no lost motion” for the workpiece element.

As for claim 16, in Chan, the configuration of the first joining member and the second joining members are deemed such that compression forces sufficient to maintain contact therebetween are deemed always present during torque action of “a drive shaft” (not a positively recited) on which the workpiece portion is mounted.

Conclusion

7. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randall Chin/
Primary Examiner, Art Unit 3723

/Joseph J. Hail, III/
Supervisory Patent Examiner, Art Unit 3723

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